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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,216	06/25/2007	Koujiro Matsushita	050850-07110	6028

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EXAMINER

DANIELSEN, NATHAN ANDREW

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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06/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,216	Applicant(s) MATSUSHITA ET AL.	
	Examiner Nathan Danielsen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 5 and 6 are pending. Claims 1-4 have been canceled in applicant's amendment filed 18 March 2009.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. Claim 5 is rejected as being indefinite because it is unclear, in light of the specification, how the claimed "disk inserting direction" defines a "horizontal direction" such that "a slider mechanism is disposed on one end of said traverse in a horizontal direction with respect to said disk inserting opening". In other words, it is unclear how the disk inserting opening can be defined as a horizon such that the slider mechanism can be in a horizontal direction with respect to it, even though the disk inserting opening is shown in the drawings to be horizontal (as opposed to vertical).
 - b. To overcome this rejection, the examiner recommends changing "a slider mechanism is disposed on one end of said traverse in a horizontal direction with respect to said disk inserting opening" to --a slider mechanism is disposed on one end of said traverse parallel to said disk inserting opening--.
 - c. Authorization for an examiner's amendment to amend the claims in the manner indicated above was not given in a telephone interview with David Ward (Reg. # 45,198) on 05 June 2009.
 - d. Claim 6 is rejected as being dependent on an indefinite claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato (US Patent Application Publication 2002/0067687).

Regarding claim 5, Kato discloses a disk apparatus comprising:

a chassis outer sheath (element 11 and 12 in figures 1-4) including a base body (element 11 in figures 1-4) and a lid (element 12 in figures 1-4), in which a front surface of said chassis outer sheath is formed with a disk inserting opening into which a disk is directly inserted (element 13 in figure 1), and

a traverse provided on said base body (element 26 in figure 1-6) which holds a spindle motor (element 27 in figures 1-6) and a pickup (element 31 in figures 1-6),

wherein:

a slider mechanism is disposed on one end of said traverse in a horizontal direction with respect to said disk inserting opening (elements 53 and 54 in figure 1),

said slider mechanism includes a vertically moving cam mechanism which moves one end of said traverse toward and away from said base body (elements 54a in figure 1) and a slider cam mechanism which moves said traverse in inserting/discharging directions of said disk (elements 54b in figure 1),

the other end of said traverse is supported on said base body by a fixing cam (element 52 in figure 1),

said traverse is moved by said slider cam mechanism (¶s 44-46) and said fixing cam moves the other end of said traverse toward and away from said base body (¶s 44-46).

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Regarding claim 6, Kato discloses everything claimed, as applied to claim 5. Additionally, Kato discloses where said traverse is moved by said slider cam mechanism, thereby separating said disk away from a position limiting member (¶s 44-46; where element 15 is interpreted to be the claimed position limiting member).

Response to Arguments

6. Applicant's arguments filed 18 March 2009 have been fully considered but they are not persuasive.

e. Regarding applicant's argument that because elements 53 of Kato are formed in a direction perpendicular to the disk inserting opening, Kato does not teach where "a slider mechanism is disposed on one end of said traverse in a horizontal direction with respect to said disk inserting opening", the examiner disagrees. The limitation "in a horizontal direction with respect to said disk inserting opening" does not indicate whether the slider mechanism is parallel to or perpendicular to the disk inserting opening. Rather, this limitation only precludes the slider mechanism from being disposed in any direction other than a direction including parallel to, perpendicular to, or an angle between parallel to and perpendicular to, the disk inserting opening. For example, if element 53 of Kato were to be mounted in a direction parallel to the rotational axis of element 27 of Kato, element 53 would not be mounted "in a horizontal direction with respect to said disk inserting opening" since it is not in a plane containing both element 53 and the disk inserting opening. Therefore, for this reason, the preceding art rejection is still deemed proper and is hereby maintained.

Allowable Subject Matter

7. Claims 5 and 6 would be allowable if rewritten or amended, in the manner suggested by the examiner in section 3b of this Office action, to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action, which amendment would also overcome the rejection under 35 U.S.C. 102(b), also set forth in this Office action.

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8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, either alone or in combination, would fail to teach or fairly suggest the combination of limitations found in the following highlighted portions of claim 5, as amended in the manner suggested by the examiner in section 3b of this Office action:

A disk apparatus comprising:

a chassis outer sheath including a base body and a lid, in which a front surface of said chassis outer sheath is formed with a disk inserting opening into which a disk is directly inserted, and a traverse provided on said base body which holds a spindle motor and a pickup, wherein a slider mechanism is disposed on one end of said traverse parallel to said disk inserting opening,

said slider mechanism includes a vertically moving cam mechanism which moves one end of said traverse toward and away from said base body, and a slider cam mechanism which moves said traverse in inserting/discharging directions of said disk,

the other end of said traverse is supported on said base body by a fixing cam,

said traverse is moved by said slider cam mechanism and said fixing cam moves the other end of said traverse toward and away from said base body.

Closing Remarks/Comments

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571)272-4248. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Craig A. Renner/
Primary Examiner, Art Unit 2627

/ND/
06/05/2009